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WRITER'S EXTENSION 202

OF COUNSEL LOUIS SCHWARTZ

TAX COUNSEL MARK B. WEINBERG

October 17, 2000

BY HAND

Ms. Alva E. Smith Office of the General Counsel **Federal Election Commission** 999 E Street, N.W. Washington, D.C. 20463

Re: MUR 5102

Dear Ms. Smith:

On behalf of Western New York Public Broadcasting Association, we are filing herewith, its response to the above-referenced complaint. The response includes: 1) the letter response of WNYPBA; 2) a Declaration executed by an officer of WNYPBA; and 3) Statement of Designation of Counsel.

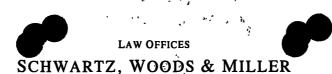
Please address any questions concerning this matter to this office.

Sincerely yours,

Malcolm G. Stevenson

Wall G. Sternie

MGS/nmc



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OF COUNSEL LOUIS SCHWARTZ

TAX COUNSEL MARK B. WEINBERG

October 17, 2000

General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463

Re: MUR 5102

Ladies and Gentlemen:

This letter is written on behalf of the Western New York Public Broadcasting Association (WNYPBA) in connection with the above-referenced complaint by Mr. Jeff Graham. That complaint alleges, inter alia, that WNYPBA may have been a "staging organization" with respect to a debate between Hillary Rodham Clinton and Rick Lazio conducted on September 13, 2000 at WNYPBA studios and, as such, may have violated 11 CFR 110.13 respecting the application of pre-established criteria in determining which candidates could participate in the debate.

WNYPBA was not a "staging organization" within the meaning of 11 CFR 110.13. WNYPBA had no role whatsoever in determining the structure of the debate or the selection of participants. WNYPBA merely rented its studio facilities to the sponsors of the debate -- MSNBC and the <u>Buffalo News</u> -- in an arm's length business transaction.

Accordingly, WNYPBA respectfully requests that Mr. Graham's complaint be dismissed with respect to WNYPBA.

Please address any questions concerning this matter to this office.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

Aalcolm G. Stevenson

MGS/nmc

WNED TV-AM-FM WNEQ-TV WNJA-FM





Western New York Public Broadcasting Association

Horizons Plaza Post Office Box 1263 Buffalo, New York 14240 716/845-7000 TV FAX-716/845-7036 RADIO FAX-716/845-7043

I, Donald K. Boswell, President & CEO of the Western New York Public Broadcasting Association, hearby declare under penalty of perjury that, except for the facts of which the Federal Election Commission may take official notice, the facts stated in the foregoing letter Response to the Complaint in MUR 5102 are true and correct.

Dated this 16th day of October, 2000.

Donald K Boswell, President & CEO





STATEMENT OF DESIGNATION OF COUNSEL

MUR_5/02_
NAME OF COUNSEL: MALCOLM G. STEVENSON, ESQ.
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ADDRESS: 1350 CONNECTION BYE, NW
SUITE 300
Wasaweren DC 20036
TELEPHONE:(_202) 833-1900
FAX:(202) 83? - 235/
The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission. Michael G. Sutton Vice President, Finance & Administration
Date Signature and Chief Financial Officer
RESPONDENT'S NAME: By MCHOFL G. SUPPON
NEOFONDENT STRAIL. BY PREMIER CINDENSA
ADDRESS: P.D. Box 1263
BUFFERZO, NY 14240

TELEPHONE: HOME()
PHOINTER OU VALUE ONAS